



**HIPAA Civil Penalties**

<b>Categories of Violations and Respective Penalty Amounts</b>			
<b>Tie r</b>	<b>Violation Category – § 160. 404(b)(2)(i) – (iv)</b>	<b>Range for Each Violation</b>	<b>Limit for multiple violations of an identical provision in a calendar year (Jan. 1 – the following Dec. 31)<sup>1</sup></b>
1	(i) Did not know and by exercising reasonable diligence would not have known	\$100 - \$50,000	\$1,500,000
2	(ii) Reasonable cause and not willful neglect	\$1,000 – 50,000	\$1,500,000
3	(iii) Willful Neglect – Corrected during the 30 day period beginning on the first date that the covered entity knew or by exercising reasonable diligence would have known	\$10,000 – 50,000	\$1,500,000
4	(iv) Willful Neglect – Not corrected during the 30 day period beginning on the first date that the covered entity knew or by exercising reasonable diligence would have known	\$50,000	\$1,500,000

**State Attorneys General:** State AGs may bring a civil action. Damages may be up to \$25,000 for all violations of an identical requirement, per calendar year. As with the penalties brought by HHS, these penalties can be separately imposed for violations of different HIPAA provisions.

**HIPAA Criminal Penalties**

HHS’ Office for Civil Rights refers violations of the criminal provisions of HIPAA to the Department of Justice for investigation and enforcement. Penalties are as follows:

	<b>Violation Category – 42 U.S.C. § 1320d-6(b)</b>	<b>Range for Each Violation</b>
1	For knowingly and in violation of HIPAA: (a) using or causing to be used a unique health identifier, (b) obtaining individually identifiable health information relations to an individual, or (c) disclosing such information to another person.	-Up to \$50,000 -Up to 1 year imprisonment -Or both
2	If the offense is committed under false pretenses	-Up to \$100,000 -Up to 5 years imprisonment -Or both
3	If committed with intent to sell, transfer, or use the information for commercial advantage, personal gain, or malicious harm	-Up to \$250,000 -Up to 10 years imprisonment -Or both

<sup>1</sup> This is the maximum penalty for multiple violations of a single HIPAA provision; these penalties can be separately imposed for violations of different HIPAA provisions.